

4 Phil. 413

[G.R. No. 1899. April 14, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. RUFINO MAGSAMBOL,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

Rufino Magsambol, the appellant in this case, was convicted in the Court of First Instance of Cavite on a charge of brigandage as defined and penalized in section 4 of Act No. 518.

The principal witness for the Government was one Eugenio Campaner, a member of the Constabulary secret service, and in support of his statement there was offered the evidence of a youth named Eusebio, who was also a member of the Constabulary secret service, and of one Silvestre Cusar, a prisoner held on the charge of brigandage.

It was shown at the trial that the said Campaner was at deadly enmity with the accused, arising in some way out of the fact that the father of the said Campaner was shot as an insurrectionist against the Spanish Government, and it further appears that the said Campaner, though calling himself a secret-service officer, was in fact a prisoner himself, charged with the crime of which the accused was convicted.

We are not fully convinced of the guilt of the appellant, and the only evidence against him being the testimony of witnesses whose motives are open to question, the sentence of the trial court should be reversed, and the charge against him dismissed, with the costs *de officio* in both instances. So ordered.

Arellano, C. J., Torres, Mapa, and Johnson, JJ., concur.

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